REMARKS/ARGUMENTS

Claims 65, 67-80, 82-92 and 94-101 are pending in the application. Claims 65, 67-80, 82-92 and 94-101 have been rejected. Claims 1-64, 66, 81, 93 and 102 were previously canceled without prejudice. Claims 65, 80, and 92 have been amended.

35 U.S.C. § 102(a) Anticipation Rejections

Anticipation Rejection Based on European Patent EP 185125 A1 to Sato *et al.*

Claims 65, 67, 69-71, 78-80, 83-85, 90-92, 95-97, 100 and 101 stand rejected under 35 U.S.C. § 102(a) as being anticipated by EP 185125 A1 to Sato *et al.* ("Sato"). Applicant respectfully traverses this rejection, as hereinafter set forth.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicant submits that Sato does not and cannot anticipate under 35 U.S.C. § 102 the presently claimed invention of independent claims 65, 80, and 92, and claims 67, 69-71, 78, 79, 83-85, 90, 91, 95-97, 100 and 101 variously depending therefrom, because Sato does not describe, either expressly or inherently, the identical inventions in as complete detail as are contained in the claims.

Generally, Applicant teaches ***directly receiving*** information about a current sector and an adjacent sector's broadcast service capability from a common source or issuer which is in contrast to Sato's disclosure of adjacent base stations ***exchanging among themselves*** their broadcast service capability. Specifically, Applicant's claimed invention recites, in part:

> 65. ...providing *a service ID* ***from an issuer*** *to ... further* ***identifies*** *availability of the* ***broadcast service in an adjacent sector*** [and] ***sending the service ID to a base station*** .... (Emphasis added.)
>
> 80. ... ***receiving from an issuer*** a first broadcast service identified by ***a first service ID***, wherein the first service ID uniquely identifies a broadcast service among one or more broadcast services from a content server on a common radio channel ... [and] ***receiving from the issuer a second service ID that identifies a second***

broadcast service received by a neighboring base station sector .... (Emphasis added.)

92. ... receiving a first broadcast service ***identified by a first service ID*** ... [and] receiving a broadcast service parameters message that includes ***a second service ID***, wherein the second service ID uniquely ***identifies ... a second broadcast service available from a second base station sector, the first and second service IDs being received from a common issuer*** .... (Emphasis added.)

In contrast, Sato discloses an aggregated or composite "multicast management table" at each base station that is formed by neighboring base stations ***exchanging*** their individual "multicast management table," which includes their multicast data information, with adjacent base stations. Specifically, Sato teaches:

... the radio base station side handoff control device 116 ***exchanges the multicast management table between*** the network interface 111 and ***a radio base station adjacent thereto*** ... in order to inform the radio terminal 120 of the multicast management tables of their own station and the adjacent radio base station". (Sato, col. 24, lines 44-47; emphasis added).

The multicast management table shown in FIG. 25 ***is produced by*** the radio base station side handoff control device 116 built in the radio base station 110 periodically ***transmitting and receiving the multicast management table with the adjacent radio base stations*** 110 via the network interface 11, ***and inserting in the multicast management table [of] the[ir] own station*** .... (Sato, col. 29, lines 42-49; emphasis added).

Clearly Sato's disclosure of forming a multicast management table by ***exchanging information between base stations*** cannot anticipate, under 35 U.S.C. § 102 Applicant's claimed invention including:

65. ... providing *a service ID* ***from an issuer*** *to ... further* ***identifies*** *availability of the* ***broadcast service in an adjacent sector*** [and] ***sending the service ID to a base station;***

80. ... ***receiving from an issuer*** ... ***a first service ID***, ... [and] ***receiving from the issuer a second service ID that identifies a second broadcast service received by a neighboring base station sector;***

92. ... ***a first service ID*** ... [and] ***a second service ID***, wherein the second service ID uniquely ***identifies ... a second broadcast service available from a second base station sector, the first and second service IDs being received from a common issuer*** ....

Therefore, amended independent claims 65, 80 and 92 is not anticipated by Sato under 35 U.S.C. § 102. Accordingly, such claims are allowable over the cited prior art and Applicant respectfully requests that such rejections be withdrawn.

Claims 67, 69-71, 78 and 79 are allowable as depending from a now-allowable amended independent claim 65.

Claims 83-85, 90 and 91 are allowable as depending from a now-allowable amended independent claim 80.

Claims 95-97, 100 and 101 are allowable as depending from a now-allowable amended independent claim 92.

35 U.S.C. § 103(a) Obviousness Rejections

Obviousness Rejection Based on European Patent EP 185125 A1 to Sato *et al.* in view of U.S. Patent Publication 2002/0102967 to Chang *et al*

Claims 68, 72-75, 77, 82, 86-88, 94, 98, and 99 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sato in view of U.S. Patent Publication 2002/0102967 to Chang *et al.* ("Chang"). Applicant respectfully traverses this rejection, as hereinafter set forth.

The nonobviousness of amended independent claim 65 precludes a rejection of claims 68, 72-75, and 77 which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See* In re Fine, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, Applicant again requests that the Examiner withdraw the rejection to amended independent claim 65 and claims 68, 72-75, and 77 which depend therefrom.

The nonobviousness of amended independent claim 80 precludes a rejection of claims 82 and 86-88 which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See* In re Fine, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, Applicant again requests that the Examiner withdraw the rejection to amended independent claim 80 and claims 82 and 86-88 which depend therefrom.

The nonobviousness of amended independent claim 92 precludes a rejection of claims 94, 98, and 99 which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See* In re Fine, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir.

1988), *see also* MPEP § 2143.03. Therefore, Applicant again requests that the Examiner withdraw the rejection to amended independent claim 92 and claims 94, 98, and 99 which depend therefrom.

Obviousness Rejection Based on European Patent EP 185125 A1 to Sato *et al.* in view of U.S. Patent 6,826,176 to Siddiqui *et al*

Claims 71, 76, 85, 89, and 97 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sato in view of U.S. Patent 6,826,176 to Siddiqui *et al.* ("Siddiqui"). Applicant respectfully traverses this rejection, as hereinafter set forth.

The nonobviousness of amended independent claim 65 precludes a rejection of claims 71 and 76 which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See* In re Fine, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, Applicant again requests that the Examiner withdraw the rejection to amended independent claim 65 and claims 71 and 76 which depend therefrom.

The nonobviousness of amended independent claim 80 precludes a rejection of claims 85 and 89 which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See* In re Fine, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, Applicant again requests that the Examiner withdraw the rejection to amended independent claim 80 and claims 85 and 89 which depend therefrom.

The nonobviousness of amended independent claim 92 precludes a rejection of claim 97 which depends therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See* In re Fine, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, Applicant again requests that the Examiner withdraw the rejection to amended independent claim 92 and claim 97 which depends therefrom.

CONCLUSION

In light of the amendments contained herein, Applicant submits that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: 8/20/08

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